

CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
March 6, 2008

CALL TO ORDER: Commissioner Lowery called the meeting to order at 3:00 p.m. The following members of the Commission, constituting a quorum, were present: Willie Brooks, George Brown Jr., Marsha Campbell, Sylvia Cox, Myron Lowery, Sharon Webb and Janis Fullilove.

Others in attendance included: Ricky E. Wilkins, The Law Offices of Ricky E. Wilkins; Steve Townsdin, City of Memphis Senior Assistant City Attorney; Zayid Saleem, City of Memphis Assistant City Attorney; Bridgett Hand-Clay, City of Memphis, Open Records Coordinator, Professor Stephen H. Wirls, Rhodes College, among others.

APPROVAL OF MINUTES: Chairman Lowery noted that copies of the minutes from the Commission meeting of February 21, 2008 had been circulated prior to the meeting and asked if there were any changes or corrections. With no changes, the minutes were approved as presented.

OPENING DISCUSSION: Via telephone, Steve Lobertina with MTAS noted the clean-up effort with the City of Memphis Charter has been completed by his team. He explained changes were made to some of the language in the Charter to fit the HRA amendments affected by the POP Charter. Commissioner Brown expressed his concerns about the changes, and asked for a legal opinion from Attorney Wilkins. In closing, Chairman Lowery stated the Charter clean-up work performed by Mr. Lobertina and his staff will be reviewed by a number of attorneys and then asked Mr. Lobertina to resend the Charter document with its deletions, and changes highlighted. Without objection, Mr. Lobertina agreed.

DISCUSSION AND ACTION

ETHICS:

Commissioner Brown suggested at their next meeting, they vote on a charter provision that will allow voters the opportunity to vote on suspending with pay any elective officials being indicted with public corruption, until a final judgment has been rendered. Next, he suggested that an independent ethics board be formed differently than what's proposed in the current Memphis City Council ordinance. Finally, he suggested that the Chief Ethics officer be someone other than a City employee.

In addition, to Commissioner Brown's request for an opinion, Mr. Wilkins stated he will provide the Commissioners a legal opinion on their constitutional powers. Chairman Lowery stated at the next meeting they will discuss constituents concerns on who will represent them if their Councilperson is suspended for ethics violations.

Chairman Lowery asked the Commissioners to read the current Ethics ordinance before the next meeting.

MLGW:

Commissioner Cox made a motion that a referendum be placed on the ballot that will require voter approval by referendum to sell MLGW. The vote was seconded by Commissioner Brooks.

The Chairman called for the vote and the voting was as follows:

Myron Lowery	Aye
Willie Brooks	Aye
George Brown	Aye
Marsha Campbell	Aye
Sylvia Cox	Aye
Janis Fullilove	Aye
Sharon Webb	Aye

With (7) Ayes and (0) Nays the motion to not allow MLG&W to be sold without a referendum was approved by all members present.

Discussion of Proposed Charter Changes from the Master List

Chairman Lowery called the Commissioners attention to the Master list of proposed Charter Changes. Each item was discussed and given consideration. The following items listed below will be given further considerations.

1. Anyone convicted of a felony should not be allowed to be considered for an appointed position
2. Public officials convicted of a felony while in office should be removed from office
3. Should an elected or appointed official under indictment (not convicted) on a felony charge continue to serve
4. Require a person indicted for crimes to remove themselves from city business until issue is resolved
5. All budget, financial statements and audits should be posted on the internet
6. Increase the number of the board of directors of MLGW from 5 to 9. Four of the board members should be elected at-large by the citizens
7. Make MLGW a separate entity, like the Airport Authority

8. Employees of Memphis Light Gas and Water should be considered city employees and provision for Memphis city employees shall apply to them, except there shall be no transfer of retirement credits or time between the two separate entities
9. The Memphis Light Gas and Water Division should become a regional utility authority (Frierson Graves)
10. MLG&W Board of Directors will be the one to choose the company president
11. Recommendation that Charter changes on the election ballot should be at line-item level
12. The ability to collect 2 pensions at the same time(retire from one job and collect pension, then get another city job which also qualifies for a pension) should be removed from the Charter
13. Prohibit City Council from setting its own pension rules
14. Line-time budgeting is needed. There should be no funds moved from one line-item to another without council approval

ADJOURNMENT: There being no further business, the meeting was adjourned at 4:45 p.m. The next meetings of the Commission will be held on March 20, April 10th and April 24, 2008 at 3:00 p.m.

Respectfully Submitted,

Bridgett Handy-Clay